THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 13136 of 2006

Oral order:

Heard the learned counsel for the petitioners, the learned Government Pleader for Education for the 1st, 2nd and 3rd respondents, the counsel for the 4th respondent and the counsel for the 5th respondent.

Assailing the proceedings dated 28.04.2006 of the 3rd respondent, namely the Regional Joint Director of Collegiate Education, Guntur, setting aside the order of reversion dated 09.12.2005 passed by the 4th respondent-College, reverting the 5th respondent-employee from the post of Typist to Record Assistant, on the ground that the 4th respondent-College did not follow the procedure laid down in Section 79(1) of Chapter XIV of the A.P. Education Act, 1982, the petitioners – 1st petitioner, namely Aided Junior and Degree Colleges Non-Teaching Staff Association and the 2nd petitioner, who is working as Steno-cum-Typist in the 4th respondent-College, have filed this writ petition.

Notice before admission was ordered by this Court on 29.06.2006. The respondents having received notice, filed their counters. On behalf of 1st, 2nd and 3rd respondents, the Joint Director of Collegiate Education, filed counter, while the 4th respondent-college and the 5th respondent-employee filed separate counters. All the respondents in their counters questioned the locus of the petitioners to file the present writ petition, and since the petitioners are not affected by the order passed by the 3rd respondent, the writ petition at their instance is not maintainable.

However, the counsel appearing on behalf of the petitioners submitted that since the 5th respondent by virtue of the impugned order is claiming seniority over the 2nd petitioner and claiming the post of Senior Assistant, he is entitled to question the impugned order.

The 5th respondent in his counter admitted that the

2nd petitioner is senior to him, and pointing to the observations made by this Court in its orders dated 10.08.2004 passed in W.P. No. 24336 of 1997 that even assuming that the petitioner (5th respondent) has passed all the departmental tests prior to the 6th respondent (2nd petitioner), as the 6th respondent (2nd petitioner) had passed all the departmental tests by the time the vacancy had fallen vacant, the 6th respondent (2nd petitioner) shall have the priority being a senior to the petitioner (5th respondent) and the petitioner (5th respondent), cannot claim any precedence over the 6th respondent (2nd petitioner), the learned counsel for the 5th respondent submitted that in view of the said order, the 5th respondent is not claiming any seniority over the 2nd petitioner. The fact that the 5th respondent is junior to the 2nd petitioner in the category of Typists is evident from the proceedings dated 19.03.1983, wherein it is shown that the 2nd petitioner was appointed as Typist on 20.11.1979, while the 5th respondent was appointed as Record Assistant on 24.0.1979.

Having regard to the admitted stand taken by the respective counsel, and as is evident from the record that the 5th respondent is junior to the 2nd petitioner, and having regard to the submission made by the counsel for the 5th respondent that the 5th respondent is not claiming seniority over the 2nd petitioner, the question of the 5th respondent stealing march over the 2nd petitioner does not arise.

In the above view of the matter, no orders need be passed in the writ petition, and the same is accordingly closed.

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N.V. RAMANA, J.

Dated: 16th April, 2007.
KSR